

REMARKS

1-3. These are noted.

4. Claims 21-38 and 41-42 should now be found to be unobjectionable.

The helpful suggestions made by the Examiner have been incorporated in the claims as now amended, except for the suggestion with respect to "the keyboard". Applicant does not wish to claim the keyboard as a combination with the cover and must use the indefinite article "a" throughout the claims. This is not believed to be at all confusing and is rather believed to be accepted and standard practice. Since none of the claims refer to "another" keyboard, this claim language is not believed to be confusing. Reconsideration of this issue is respectfully solicited.

5-7. Claim 32 is not believed to be anticipated under 35 USC 102(b) or, in the alternative, obvious under 35 USC 103(a) in view of Nopper et al '638. Nopper et al disclose a silicone rubber elastomeric material preferably injection molded (col. 3, lines 45-55) in which the surface overlying the keys is thicker than the side wall portions depending downwardly of the sides of the keys. While Nopper et al mentions that in the preferred embodiment the cover is "partially transparent" (col. 3, lines 37-45) to permit the indicia of the keys to be viewed by the operator, such "partially transparent" is not believed to equate to, for example, in Claim 21 (Twice Amended) "at least one flat and transparent sheet of pliable plastic film". A "film" is normally considered to be and have a definition of "a thin skin" unlike that depicted and described in Nopper et al and certainly Nopper et al does not disclose that their membrane is flat or even thin or even transparent as set forth in the instant application. It is inherent in the instant invention that the plastic film not be shaped to conform to the keys of a keyboard of Nopper et al

which uses a resilient elastic material preformed to the keys of a keyboard thus greatly increasing costs and rendering Nopper et al certainly not intended to be readily disposed except after sufficient wear or tear or when it no longer can function in the intended use thereof. This is even more apparent by being connected by the bottom plate 40 by screws 41. On the other hand applicants' invention may be readily disposed after even a single use, particularly when used in a dental practice, or medical practice, or even in libraries or the like. It is clear that Nopper et al teaches away from such single use of their formed elastomeric membrane cover.

8. Claim 21 is believed to be patentable under 35 USC 103(a) over Nopper et al '638. As set forth above with respect to Claim 32, Nopper fails to disclose a "flat and transparent sheet of pliable plastic film", as called for in Claim 21 nor a "package" of such "individual disposable transparent covers". While applicants do not disagree that a cardboard box of a dozen or two dozen Nopper et al preformed elastic covers may be packaged for sale and/or shipment, Nopper et al does not envision nor would one of ordinary skill in the art consider that such packaged covers of Nopper et al was for the purpose "to provide a convenient supply of fresh disposable items to a user".

9. Claims 22, 23, 33 and 34 are believed to be patentable under 35 USC 103(a) over Nopper et al '638 for substantially the same reasons set forth above and over Morse '300. While the Examiner alleges that Morse '300 "teach a transparent protective cover 10" (emphasis added), but applicants do not find any disclosure thereof in Morse. Again Morse is directed to a preformed cover made of an elastomeric material, such as rubber, wherein indicia is provided on the outside corresponding to the indicia on the underlying button (col. 3, lines 26-31. In view of Nopper et al disclosing a more secure manner of attaching their cover by the plate 40, screw 41, it would seem even more unlikely (than likely) that one skilled

in the art would somehow employ adhesive strips of Morse as a substitute for the attachment of Nopper et al. reconsideration is respectfully solicited.

10. Claims 24-27 and 35-38 are believed to be patentable under 35 USC 103(a) over Nopper et al as set forth above with respect to Claims 21 and 32 and further over Weill et al '297. The shortcomings of Nopper et al have been set forth above. Weill et al does not describe, nor does Nopper et al, disposable film covers to which applicants' invention is directed. The cover of Weill is to house an entire laptop or notebook computer and would not teach one having ordinary skill in the art to follow the Examiner's suggested reconstruction of Nopper et al which is only directed to a keyboard cover not an entire computer cover so that the computer may be used in wet weather. Neither Nopper et al nor applicants' invention is directed to a cover used for the purposes of Weill et al. Weill et al disclose that the interior wall 17 is transparent and the remaining, non-transparent portions are made of a durable, waterproof material, such as nylon (col. 4, lines 53-61) hardly intended to be disposable. Also Weill et al describe much like a glove (col. 4 lines 23-26) with pockets unlike Nopper et al and applicants' invention. It would seem that the Examiner has selected components from Weill et al and reconstructed Nopper et al not by anything suggested in either reference, but using applicants' disclosure in retrospect to arrive at a reconstruction allegedly supporting an obviousness rejection. Applicants believe that such hindsight reconstruction is contrary to the intent and accepted implementation of 35 USC 103(a).

With respect to Claims 26 and 37, the glove form of a cover of Weill et al is not believed to be an "envelope" nor does the edge portion 18, as shown in FIG. 1, not appear to be a top edge of 17 (that which covers the keyboard), particularly when in use 18 is folded up and maintained on the back of wall 23.

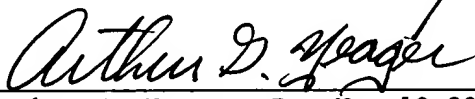
With respect to Claims 27 and 38, the glove form of the cover of Weill et al is not believed to be an envelope, as commonly understood, nor does any art of record support the Examiner's contention that "there is no unobviousness in providing an opening along any edge portion of a cover for ease of entry. These claims specifically call for structure not found in any of the prior art. The fact that sleeping bags may have zippered openings along various edges, an unrelated art, would not obviously suggest the claimed structure set forth in Claims 27 and 38.

Reconsideration and allowance of all the claims are respectfully solicited.

The courtesy in the short telephone conferences with the Examiner and helpful suggestions are acknowledged.

A telephone interview is requested to resolve any remaining issue prior to any final action on the merits.

Respectfully submitted,

  
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